

REMARKS

The pending claims in the application are original claims 1-4 and 6-9, and claims 10-18 added with the Amendment D mailed December 17, 2003 with the Request for Continued Examination.

The species elected for examination in Amendment B of September 2002 was the species having the following requirements:

- a) the cyclooxygenase-2 inhibitor is 4-[5-(3-fluoro-4-methoxyphenyl)-3-(difluoromethyl-1H-pyrazol-1-yl] benzenesulfonamide (Example 2); and
- b) the leukotriene B₄ receptor antagonist is Searle SC-53228 (2H-1-Benzopyran-2-propanoic acid, 7-[3-[2-(cyclopropylmethyl)-3-methoxy-4-[(methylamino)carbonyl]phenoxy] propoxy]-3,4-dihydro-8-propyl-, (2S)) (Example 3).

The pending claims which read on this species are claims 1-4, 6, 7, 9, 11, 15, 16, 17, and 18.

According to MPEP § 809.02(e), whenever a generic claim is found to be allowable in substance, action on the species claims shall thereupon be given as if the generic claim were allowed. Thus, if it is determined that the elected species is patentable, it is incumbent upon the Office to search additional species that fall within any allowable generic claims.

With regard to claims 8, 10, 12, 13, and 14, the examiner is authorized to withdraw them if necessary. However, these claims fall within the scope of other claims such as 1, 3, and 7 which read on the elected species. Accordingly, applicants would be

2891/3 (PHA 4142.2)
PATENT

entitled to consideration of such claims, as they would fall within the scope of any such generic claims determined to be allowable.

Respectfully submitted



Paul I. J. Fleischut, Reg. No. 35,513
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

PIF/leb

Express Mail Label No. EV 237015202 US